

Remarks

The Application has been reviewed in light of the Official Action mailed January 22, 2007. Claims 1 and 31-33 are amended. Claims 1-14, 16-29 and 31-34 are pending in the Application.

The Examiner rejected claims 1, 3-5, 7-8, 10-14, 16-18, 21, 24-25 and 32 under 35 U.S.C. 102(b) as being anticipated by Ueda et al. (US 5,681,260). The Examiner rejected claims 1-14, 16-18, 21-29 and 32-34 under 35 U.S.C. 102(b) as being anticipated by Gazdzinski (US 2001/0051766). The Examiner rejected claims 1-14, 17-18, 13-29 and 33-34 under 35 U.S.C. 103(a) as being unpatentable over Alfano et al. (US 6,240,312) and Ueda et al. (US 5,681,260).

Applicant respectfully requests that the Examiner reconsider the rejection in light of the fact that claims 1 and 31-33 as amended require "wherein said capsule contains a position-detecting element whose position can be determined from outside the body and which is capable to detect a position and an orientation of said probe with respect to axes of said probe relative to said body cavity."

Ueda discloses a capsule type endoscope 150 with a guided part 159 made of a permanent magnet. (Fig. 27). Ueda discloses that a hall sensor 131 detects the position of the guided part 159 and consequently the position of the capsule type endoscope. (col. 18, l. 49-51). Ueda is completely silent about determining the orientation of the capsule type endoscope relative to the body cavity. Applicant respectfully submits that Ueda does not anticipate claims 1 and 31-33, because Ueda does not disclose nor fairly suggest "wherein said capsule contains a position-detecting element whose position can be determined from outside the body and which is capable to detect a position and an orientation of said probe with respect to axes of said probe relative to said body cavity."

Gazdzinski discloses a probe whose position is tracked using radio frequency , ultrasonic, or other tracking signal emitted from the probe. (par. [0063]). In another em-

bodiment, Gazdzinski discloses that the probe can include a piezoelectric transducer element to acoustically determine the proximity of the probe to a constriction/obstruction. *Id.* In yet another embodiment, Gazdzinski discloses that the probe can use an image array to determine the proximity of the probe to a constriction/obstruction. *Id.* Gazdzinski is completely silent about determining the orientation of the capsule type endoscope relative to the body cavity. Applicant respectfully submits that Gazdzinski does not anticipate claims 1 and 31-33, because Gazdzinski does not disclose nor fairly suggest "wherein said capsule contains a position-detecting element whose position can be determined from outside the body and which is capable to detect a position and an orientation of said probe with respect to axes of said probe relative to said body cavity."

Applicant also notes that Alfano does not disclose each and every element of the claimed invention. As noted in Applicant's prior response, Alfano discloses that the power system can be an internal battery and/or an external power source. (col. 5 l. 25-27). Alfano states that "due to the finite size of the device, the major power requirement for motion, communications and laser operation is typically delivered by external pumped power sources." (col. 5 l. 48-51). One such power source includes "a modified induction motor-based electric generator can be disposed inside the device, with an external time-varied powered magnetic field used to rotate a rotor inside the device, the rotated rotor then being used to generate electric current." (col. 5 l. 52-57). As noted by the Examiner, Alfano is completely silent with respect to detecting the position of the device, let alone from outside the body, and is completely silent about determining the orientation of the device relative to the body cavity. (OA p. 8-9).

Applicant also notes that claims 1 and 31-33 are not obvious over Ueda, Gazdzinski, and Alfano. It is well settled that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

As discussed above, Ueda, Gazdzinski, and Alfano are all completely silent with respect to determining the orientation of a probe relative to the body cavity. Ueda and

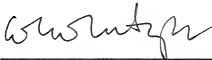
Gazdzinski only disclose detecting the position of a probe in the body cavity. Alfano does not even disclose detecting the position of a probe in the body cavity. These references do not disclose "a position-detecting element ... which is capable to detect an orientation of said probe with respect to axes of said probe relative to said body cavity." As a result, claims 1 and 31-33 are not prima facie obvious in view of these references because any combination of these references would not yield each and every element of these claims.

If these references were to be combined, such a combination would either remove or include position detecting elements. However, the combination would not include "a position-detecting element ... which is capable to detect an orientation of said probe with respect to axes of said probe relative to said body cavity."

Further, since these references are completely silent with respect to determining orientation, there is no basis for concluding that one skilled in the art would modify any of these references to include this claimed limitation.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims currently pending in the application are now in condition for allowance. Reconsideration and notice to that effect is earnestly requested.

Respectfully submitted,



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